

REMARKS/ARGUMENTS

This Amendment is being filed in response to the Final Office Action dated April 9, 2009 and the Advisory Action dated June 19, 2009. Reconsideration and allowance of the application in view of the amendments made above and the remarks to follow are respectfully requested.

Claims 1-19 are pending in the Application.

In the Final Office Action, claims 1-19 are rejected under 35 U.S.C. §102(b) over U.S. Patent No. 6,071,671 to Glushko ("Glushko"). These rejections are respectfully traversed. It is respectfully submitted that claims 1-19 are allowable over Glushko for at least the following reasons.

The Advisory Action has taken a position that the protective layer 9 of Glushko includes a plurality of apertures. This position is respectfully traversed in that it is clear from a simple inspection of the figures of Glushko that the protective layer 9 does not constitute a plurality of apertures.

Nonetheless, the Applicant has elected to amend the claims to clarify that each of the plurality of optical apertures are separated from each other of the plurality of optical apertures by an optically opaque portion.

It is respectfully submitted that the optical information storage unit of claim 1 is not anticipated or made obvious by the teachings of Glushko. For example, Glushko does not teach, disclose or suggest, an optical information storage unit that amongst other patentable elements, comprises (illustrative emphasis added) "an information layer comprising a plurality of data areas, a first side wherein light from a light source enters the information layer, and a second side separated from the first side, wherein light emitted from the information layer is emitted from the second side, each data area being arranged to emit light when illuminated by light at a predetermined wavelength; and a readout layer separated from the information layer so that the readout layer and the information layer are not in contact with each other, the readout layer comprising a plurality of optical apertures, wherein each of the plurality of optical apertures are separated from each other of the plurality of optical apertures by an optically opaque portion, each optical aperture being arranged to image substantially only the near field of light emitted from a respective data area" as recited in claim 1, and as similarly recited in each of claims 15, 17, 18 and 19.

While the Office Action alleges that the protective layer 9 of

Glushko shows such apertures (see, Glushko, FIG. 10), this assertion finds no support within the four corners of Glushko. In fact, Glushko directly repudiates the assertion of the Final Office Action by making clear that the hatched boxes represented in the figures are cells 3 while the boxed in areas without hatching represents unexposed locations 6.

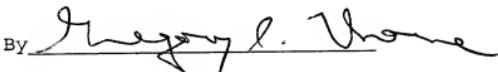
Based on the foregoing, the Applicant respectfully submits that claims 1, 15, 17, 18 and 19 are patentable over Glushko and notice to this effect is earnestly solicited. Claims 2-14 and 16 respectively depend from one of claims 1 and 15 and accordingly are allowable for at least this reason as well as for the separately patentable elements contained in each of the claims. Accordingly, separate consideration of each of the dependent claims is respectfully requested.

In addition, Applicant denies any statement, position or averment of the Examiner that is not specifically addressed by the foregoing argument and response. Any rejections and/or points of argument not addressed would appear to be moot in view of the presented remarks. However, the Applicant reserves the right to submit further arguments in support of the above stated position,

should that become necessary. No arguments are waived and none of the Examiner's statements are conceded.

Applicant has made a diligent and sincere effort to place this application in condition for immediate allowance and notice to this effect is earnestly solicited.

Respectfully submitted,

By 

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